

# STATE OF ALASKA

**FRANK H. MURKOWSKI, GOVERNOR**

**DEPARTMENT OF NATURAL RESOURCES**

**OFFICE OF HABITAT MANAGEMENT  
AND PERMITTING**

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## **FISH HABITAT PERMIT FH03-III-0331**

ISSUED: December 18, 2003

EXPIRES: Upon Closure and Abandonment  
of the Pogo Mine

Mr. Karl Hanneman  
Teck-Pogo Inc.  
3520 International Street  
Fairbanks, Alaska 99701

Dear Mr. Hanneman:

RE: Bridge Installation, Maintenance and Removal; Section 27, T5S, R14E, FM; Goodpaster River, (Stream No. 334-40-11000-2490-3407).

Pursuant to AS 41.14.870(b), the Alaska Department of Natural Resources, Office of Habitat Management and Permitting (OHMP) has reviewed your proposal to install, maintain, and remove a bridge over the Goodpaster River near the lower Pogo construction camp for the purpose of accessing the Pogo Mine. Activities authorized under this permit include installation of bridge piers, sheet pile abutments and armor, bridge placement, and equipment operation necessary for bridge construction. A description of the project was contained in your June 2002 Right-of-Way application and in your US Army Corps of Engineers project public notice dated September 19, 2003.

The Goodpaster River has been specified as being important for the migration, spawning, or rearing of anadromous fishes in accordance with AS 41.14.870(a). Chinook and chum salmon use this portion of the waterbody for spawning and rearing. Your project as proposed may have adverse effects on anadromous fish or their habitat and may obstruct the free passage of fish.

In accordance with AS 41.14.870(d), project approval is hereby given subject to your proposed scope of work and the following stipulations:

- (1) Final design drawings (approved for construction) for the bridge crossing of the Goodpaster River shall be prepared and submitted to the OHMP for review and approval prior to beginning bridge construction activities. Final design drawings shall clearly show elevations for the stream thalweg, ordinary high water, bridge decking, bottom chords, sheet piling and armor, and height of the bridge abutments with respect to the ordinary high water line.
- (2) Plans for instream bridge construction activities including piling installation, equipment operation, and ice pad construction shall be submitted to the OHMP for review and approval prior to instream work.

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- (3) The OHMP shall be notified a minimum 72 hours in advance of the start of pile-driving in the Goodpaster River.
- (4) Before conducting any instream maintenance activities following construction, plans describing the instream activities shall be submitted to the OHMP for review and approval. A permit amendment will then be issued authorizing the activities.
- (5) Upon abandonment of the Pogo Project, the bridge, including pilings, sheet piling, and associated fill material shall be removed. A plan for removal shall be prepared and submitted to the OHMP for review and approval.

The permittee is responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved plan. For any activity that significantly deviates from the approved plan, the permittee shall notify the OHMP and obtain written approval in the form of a permit amendment before beginning the activity. Any action taken by the permittee, or an agent of the permittee, that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the OHMP. Therefore, it is recommended that the OHMP be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 41.14.870. This permit must be retained on site during the permitted activity. Please be advised that this determination applies only to activities regulated by OHMP; other divisions with ADNR also may have jurisdiction under their respective authorities. This determination does not relieve you of the responsibility for securing other permits, state, federal, or local. You are still required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which were a direct result of the failure to comply with this permit or any applicable law.

The recipient of this permit (the permittee) shall indemnify, save harmless, and defend the department, its agents and its employees from any and all claims, actions or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Sincerely,

Dick LeFebvre, Deputy Commissioner

BY: Robert F. McLean  
Office of Habitat Management and Permitting

Alaska Department of Natural Resources

ecc: Bob Loeffler, ADNR, Anchorage  
Al Edgren, ADNR, Delta  
Anna Plager, ADNR, Fairbanks  
Rich Harris, ADCED, Fairbanks  
Pete McGee, ADEC, Fairbanks  
Victor Ross, USACE, Anchorage  
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Cindi Godsey, EPA, Anchorage  
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Mike Smith, Terra Nord, Anchorage  
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Gary Folger, DPS, Fairbanks  
Keith Mueller, USFWS, Fairbanks  
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David James, ADF&G, Fairbanks  
Fronty Parker, ADF&G, Delta  
Bill Ridder, Delta  
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cc: Ed Fogels, ADNR, Anchorage  
Ichiro Abe, Sumitomo, Vancouver  
Hahn Gold, EPA, Seattle  
Lisa Jaeger, TCC, Fairbanks  
Robin Moilanen, Friends of the Goodpaster, Fairbanks  
Jim Movius, Goodpaster River Property Holders, Fairbanks

Mike Fillion, Teck, Vancouver  
Harry Bader, ADNR, Fairbanks  
Gary Lee, Mendeschaag Corp, Fairbanks

RFM/jfw